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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,188	01/05/2000	BEN SHEN	2500.128US1	1369

22798 7590 09/23/2004

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EXAMINER

KERR, KATHLEEN M

ART UNIT PAPER NUMBER

1652

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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09202004

DATE MAILED:

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**Commissioner for Patents**

The amendment filed on June 3, 2004 containing a sequence listing is considered non-responsive to the Office communication mailed on April 30, 2004 for the reason(s) set forth below. Applicant must comply with the requirements of the sequence rules (37 C.F.R. ' 1.821 - 1.825) before the application can be examined under 35 U.S.C. § 131 and 132.

The instant application does not comply with the sequence rules. The sequence listing has repeatedly been amended since September, 2002 ineffectively. See the following.

The following is a summary of the prosecution history since the last Office action on the merits:

- a) A non-final rejection mailed to Applicant on March 19, 2002, including a notice to comply with the sequence rules (pages 5-6 of Office action).
- b) Applicant filed a response on September 25, 2002, which included an amended sequence listing (119 sequences) in paper copy and computer readable form (CRF). The diskette containing the CRF was damaged.
- c) A Notice to Comply was sent to Applicant on December 6, 2002.
- d) Applicant replied on February 26, 2003 with an incomplete sequence listing (in paper copy and CRF) containing only 2 sequences.
- e) A Notice to Comply was sent to Applicant on April 29, 2003.
- f) Applicant filed a response on August 18, 2003, which included an amended sequence listing (118 sequences) in paper copy and CRF. The diskette containing the CRF was blank.
- g) A Notice to Comply was sent to Applicant on December 10, 2003.
- h) Applicant replied on January 20, 2004 with a sequence listing whose paper copy (containing 2 sequences) did not match the CRF (containing 221 sequences).
- i) A Notice to Comply was sent to Applicant on April 30, 2004.
- j) Applicant filed a response on June 3, 2004, which included only a CRF. The diskette containing the CRF was damaged. Moreover, the paper copy of the sequence listing containing only 2 sequences (filed January 20, 2004) is pending and is incomplete as the specification disclosed more than 2 sequences.

Thus, a new sequence listing - in computer readable form (CRF) and paper copy - is required. Said sequence listing should have approximately 119 sequences listed; see for example the amendment to the specification filed on September 25, 2002 that notes SEQ ID NOs: 113, 116, 117, and 119. Applicant is encouraged to use the CRF "checking" software as noted on the attached CRF Problem Report to avoid further defective filings of the CRF. Until the sequence listing is correctly amended by Applicant, prosecution on the merits cannot continue.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 C.F.R. ' 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 C.F.R. ' 1.821 - 1.825) in order to avoid abandonment of the application under 37 C.F.R. ' 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. ' 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (571) 272-0931. The examiner can normally be reached on Monday through Friday, from 9:00am to 6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Kathleen M Kerr  
Primary Examiner  
Art Unit: 1652